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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,406	02/06/2001	Alexander Kurganov	47242-00028USPT	4531
7590	09/09/2004			EXAMINER
STEVE Z. SZCZEPANSKI KELLY, DRYE & WARREN LLP 333 WEST WACKER DRIVE SUITE 2600 CHICAGO, IL 60606			SHINGLES, KRISTIE D	
			ART UNIT	PAPER NUMBER
			2141	
DATE MAILED: 09/09/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/777,406	KURGANOV, ALEXANDER <i>[Signature]</i>	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kristie Shingles	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1 and 2 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1 and 2 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06 February 2001 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/02/01-4/12/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

*Claims 1 and 2 are pending.*

### ***Priority***

1. Acknowledgment is made of applicant's claim for domestic priority under 35 U.S.C. 120.

The certified copy has been filed in provisional Application No. 60/180,343 filed on 02/04/2000.

### ***Information Disclosure Statement***

2. The information disclosure statements (IDS) submitted on 05/02/2001, 05/14/2001, 10/18/2001, 12/10/2001, 01/31/2002, 06/07/2002, 02/07/2003 and 04/12/2004 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the Office. An initialed and dated copy of Applicant's IDS form 1449, is attached to the instant Office action.

### ***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference character(s) mentioned in the description: 10. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as

not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

*Specification*

4. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01. See pages 5 and 9, for example.

*Claim Objections*

5. Claim 1 is objected to because of the following informalities: misspelling—“descriptor” should be “descriptor” (pg.22 line 20). Appropriate correction is required.

6. Claim 2 is objected to because of the following informalities: missing punctuation—period missing at end of claim (pg.23 line 10). Appropriate correction is required.

*Claim Rejections - 35 USC § 102*

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Jimenez et al (US 2001/0048676).

a. Per claims 1 and 2, (differs only by statutory class), Jimenez et al teach a system/method for retrieving user-defined information from a web site, comprising:

- a computer-based clipping client configured to create an instruction set identifying information to be retrieved from a web site [0022; user creates audio inputs for access and navigating the World Wide Web];
- said instruction set comprising, a uniform resource locator address for said web site; and a content descriptor of said web site, said content descriptor identifying the location of said information to be retrieved for said user [0022, 0029, Table 1, 0035 and 0039; use of URL and audio information],
- a recognition grammar assigned to said instruction set by said user [0030; speech recognition modules],
- a database configured for storing on magnetic media said instruction set and said recognition grammar [0028 and 0034; use of database];
- a CPU-based media server, including at least a speech recognition engine, a speech synthesis engine, an interactive voice response application, a call processing system, and telephony hardware, and configured to retrieve said instruction set from said database in response to a speech command from said user, said speech command being described in said recognition grammar [Fig.3a-3c, 0023, 0025 and 0028; use of audio browser and message servers achieve functions of media server];
- a CPU-based web browsing server connected with said media server and including at least a content extraction agent, a content fetcher, and a content descriptor file, said web browsing server configured to access said web site and to retrieve said information identified by said instruction set [Fig.2, 0027 and 0028; web server with audio browser and message server configured to access web sites and retrieve information]; and

- said media server configured to transmit an audio message to said user comprising said information retrieved from said web site [Abstract; audio message is provided to user via the telephony device].

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Brown et al (USPN 5,890,123) disclose a system and method for voice controlled video screen display.
- b. Rhie et al (USPN 5,953,392) disclose a method and apparatus for telephonically accessing and navigating the Internet.
- c. Lagarde et al (USPN 5,721,908) disclose a computer network for WWW server data access over the Internet.
- d. Uppaluru (USPN 5,915,001) disclose a system and method for providing and using universally accessible voice and speech data files.
- e. Ladd et al (USPN 6,269,336) disclose a voice browser for interactive services and methods thereof.
- f. Burkey et al (USPN 6,446,076) disclose a voice interactive web-based agent system responsive to a user location for prioritizing and formatting information.
- g. Bowman-Amuah (USPN 6,529,948) discloses a multi-object fetch component.

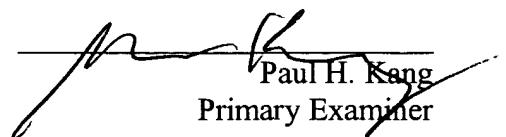
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 703-605-4244. The examiner can normally be reached on Monday-Friday 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 703-305-4003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles  
Examiner  
Art Unit 2141

kds



Paul H. Kang  
Primary Examiner